

# MONTANA PEPLS NEWSLETTER

PREPARED BY: BROOKE JASMIN & TODD BOUCHER

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## WATCH FOR YOUR RENEWAL INFORMATION IN MAY 2008

License renewals will be mailed on or before May 1, 2008. The Board encourages you to renew your license on line. Online renewal will start May 1, 2008 at <https://app.mt.gov/renewal/>. Please contact the Board office if this is not an option for you at 406-841-2017.

## BOARD APPOINTMENTS, MEMBERS & ELECTED OFFICERS

The Board consists of nine members - five professional engineers, two professional land surveyors, and two public members. The members are appointed by the Governor's office for four year terms. If you would like to be considered for future vacancies on the Board, please send a letter indicating so to: Office of the Governor PO Box 200801 Helena MT 59620-0801 or you can apply on the Governor's website at <http://governor.mt.gov>.

## BOARD MEMBERS

Vic Cundy, PE Bozeman, Presiding Officer,  
Casey Johnston, PE Vice Presiding Officer,  
Butte  
Steve Wright, PE Secretary, Columbia Falls  
David Elias, ES Butte  
Jim Hahn, LS Billings  
Tom Heinecke, PE Kalispell  
Jake Neil, PE Great Falls  
Archie Nunn, Public Member Helena  
Tom Tanner, Public Member Arlee

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email: [dlibsdpels@mt.gov](mailto:dlibsdpels@mt.gov)  
Website: [www.engineer.mt.gov](http://www.engineer.mt.gov) or  
[www.landsurveyor.mt.gov](http://www.landsurveyor.mt.gov)



**BOARD STAFF FROM LEFT TO RIGHT: BROOKE JASMIN, PROGRAM MANAGER; TODD BOUCHER, EXECUTIVE OFFICER; GAIL MACKLIN, APPLICATION SPECIALIST**

## DEPARTMENT OF LABOR AND INDUSTRY STAFF

TODD BOUCHER, EXECUTIVE OFFICER  
BROOKE JASMIN, PROGRAM MANAGER  
GAIL MACKLIN, APPLICATION SPECIALIST  
VICKI BAIR, COMPLIANCE SPECIALIST  
DON HARRIS, BOARD COUNSEL

## BOARD SAYS HELLO & GOOD-BYE

### New Board Members:

**Archie Nunn, Public Member** is a retired Master Electrician from Helena MT. He became a Master Electrician in 1957 and owned Space Electric. Archie did electrical work under government contracts such as the base housing at Glasgow Air Force Base. He then joined Reber Co as an electrical consultant and supervised electrical modification of the system for the missile complex based in North Dakota and Missouri. Archie retired in 1985 at age 62 and became active in community affairs and was chairman of the Economic Development Committee of Madison County in 1986. Archie belongs to the Golden Nuggets. He has been married to Elizabeth Parsons since 1942.

**Tom Tanner, Public Member** has lived in Arlee, MT for 32 years. He has been with the Ironworkers Union Local #14 for the past 13 years and is currently the Business Agent for Ironworkers Local, President of the Western Montana Building Trades and Secretary for the Ironworkers Joint Apprenticeship Training Committee.

Tom and his wife Jennifer have four children. In his spare time, he works on the family ranch.



### FAREWELL AND THANK-YOU:

#### **Paulette Ferguson, Public Member**

Paulette Ferguson of Missoula, Montana served as a valuable public member of the board from 1999 - 2007. Paulette was an attorney in Private Practice for many years and is currently an attorney for the Missoula County Public Defenders office.

## UNLICENSED PRACTICE IS A CONCERN

### **By Board Member, Tom Heinecke**

Several contractors have come to the attention of the Montana Board of Professional Engineers and

Professional Land Surveyors. These contractors have been investigated for unlicensed practice and have been issued cease and desist orders. The Montana Code Annotated (MCA) offers specific language on this subject, as the following excerpts show:

### **MCA 37-67-101 Definitions:**

(6) (a) "Practice of engineering" means:

(i) any service or creative work the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to the services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the use of water, teaching of advanced engineering subjects, engineering surveys, and the inspection of construction for the purpose of ensuring compliance with drawings and specifications;

(ii) any of the functions described in subsection (6)(a)(i) that embrace the services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of mechanical, electrical, hydraulic, pneumatic, or thermal nature insofar as they involve safeguarding life, health, or property.

(b) The term includes other professional services necessary to the planning, progress, and completion of any engineering services.

(c) The term does not include the work ordinarily performed by persons who operate or maintain machinery or equipment, communication lines, signal circuits, electric power lines, or pipelines.

### **MCA 37-67-301. License required to practice or offer to practice.**

In order to safeguard life, health, and property and to promote the public welfare, a person in either a public or private capacity practicing or offering to practice engineering or land surveying is required to submit evidence that the person is qualified to practice and is licensed as provided in this chapter. It is unlawful for a person to practice or to offer to practice in this state engineering or land surveying or to use in connection with the person's name or otherwise assume, use, or advertise any title or description tending to convey the impression that

the person is a professional engineer or a professional land surveyor unless the person has been licensed under the provisions of this chapter.

These laws exist “In order to safeguard life, health, and property and to promote the public welfare,” {MCA 37-67-301}. Although many buildings may have been built over the years without the use of an engineer, it becomes important to have the work done by a professional when we remember that a mistake in the design of any of the systems (Structural, Electrical, Mechanical, Plumbing, or Site Civil) can result in a loss of property, an injury, or in extreme cases, even in the loss of life. **Licensure is the only way to unequivocally assign responsibility and accountability for the systems.** This is why we must make sure that only licensed professionals provide these design services.

It is the intent of the Montana Board to actively investigate the allegations of unlicensed practice. The Montana Board solicits your input about the issue and information concerning potential occurrences of unlicensed practice.

## UPDATE TO MONTANA'S STATE SPECIFIC 2 HOUR MTL EXAM



The Board has contracted with Front Desk Software to develop a computer based testing program for the Montana law state specific exams for professional land surveyors that will allow the approved exam candidate the ability to schedule the exam to be taken at any job service location in Montana. This will allow exam candidates applying by comity to receive licensure in a more expedient matter and to allow any exam candidate from Montana who received a passing score on the Principles and Practices of Land Surveying exam but failed the MTL state specific the convenience of rescheduling that specific exam without having to wait until April or October. Board staff has a tentative release date of June 1, 2008.

## COMPLIANCE REPORT

**By Vicki Bair, Compliance Specialist**

The below complaint statistics cover the time frame May 1, 2006 thru March 26, 2008. There were 54 new complaints received by the board office during this time.

### **Unlicensed Practice:**

Eight unlicensed practice complaint matters have been reviewed by the full board. The board found reasonable cause to believe that statutes and rules were violated for five of these complaint matters and issued Cease and Desist Orders to the following businesses: **Fire Protection Services, Missoula, Montana, Garden City Plumbing, Missoula, Montana, Temp Right Services, Missoula, Montana, Valley Electric, Missoula, Montana and Quick Draw and Associates from Helena, Montana.**

### **License Denials:**

Seven applications were reviewed and denied licensure.

### **Contested Cases:**

Nine contested case hearings were conducted. A contested case hearing is legal proceeding (outside the judicial process) before an appointed Hearing Examiner (similar to a judge).

### **Investigations:**

Two investigations assigned and 12 investigations were completed. An investigation entails the gathering of facts and information surrounding allegations listed in a complaint, depending on the nature of the matter, an investigation can take 6 to 18 months to complete.

### **Dismissed complaints:**

Eleven complaints reviewed by the Board Screening Panel were dismissed without prejudice. The Screening Panel found no reasonable cause to believe that the statutes or rules were violated. The Board may again consider complaints dismissed without prejudice in the future if there is another complaint of similar nature filed against the Respondent.

Fourteen complaints reviewed by the Board Screening Panel were dismissed with prejudice. The Screening Panel found no reasonable cause to believe that the statutes or rules were violated.

Complaints dismissed with prejudice cannot be revisited again.

**Complaints dismissed with or without prejudice are not disclosed to the public nor are the contents of dismissed complaint public information.**

During this time frame, no Notices of Proposed Board actions were issued. Notices of proposed Board action and Final Orders are considered public information and are available upon written request.

### **QUALIFICATIONS BASED SELECTION** **By Jay Skoog, Executive Director ACEC of Montana**

Montana Code Section 18-8-201 requires that all state agencies and political subdivisions of the state retain the services of engineers, architects, and land surveyors on the basis of qualifications followed by a negotiation of a scope of services and fee. This process is often called "Qualifications Based Selection", or "QBS".

An exception is made for smaller projects if the fee is expected not to exceed \$20,000. In such instances, agencies may select an appropriate design professional and directly negotiate a scope of services and fee.

Because QBS is mandatory for state agencies and political subdivisions of the state, professional engineers and professional land surveyors should not submit proposals which include fee information to these entities in violation of the statutory QBS requirements.

If a state agency or political subdivision of the state solicits proposals for engineering or land surveying work in a manner that is not in compliance with Montana Code Section 18-8-201, engineers or land surveyors may call the American Council of Engineering Companies of Montana (ACEC-Montana) at (406)457-2617 and ACEC-Montana will contact the entity to educate them about the statute and the QBS process.

### **INTERESTED PARTIES LIST**

Licensees who are interested in mailings of future rule notices, Board meeting notices, Board meeting

agendas, adopted Board meeting minutes and committee meetings can request to be added to an interested parties list. Please go to our website at [www.engineer.mt.gov](http://www.engineer.mt.gov) or [www.landsurveyor.mt.gov](http://www.landsurveyor.mt.gov) and submit your request to be included on the interested parties list.

### **2008 BOARD MEETING DATES:**

May 22<sup>nd</sup> & 23<sup>rd</sup> Helena MT

July 31<sup>st</sup> & August 1<sup>st</sup> Helena MT

November 5<sup>th</sup> & 6<sup>th</sup> in conjunction with the Joint Engineers Conference in Helena.

### **HAS YOUR ADDRESS CHANGED?**

Please be sure your address is current with the Montana Board of Professional Engineers and Professional Land Surveyors. The Board depends on accurate and timely information from licensees to ensure that important communications including your license renewal information reaches you.

**As cited in Administrative Rule of Montana 24.101.414 RENEWAL NOTIFICATION** "The department shall send renewal notices to all licensees. Renewal notices shall be sent to the last known address in the division's records. It is the responsibility of the licensee to keep the division timely informed of the licensee's current mailing address. Failure to receive notice for renewal in no way releases the licensee from the obligation to renew in a timely manner, and shall not constitute a defense to practicing without a license."

To change your address, submit the change in writing, by fax or on our website [www.engineer.mt.gov](http://www.engineer.mt.gov) or [www.landsurveyor.mt.gov](http://www.landsurveyor.mt.gov).

### **DESIGN CONCEPTS FOR FIRE PROTECTION AND LICENSEE "COMPETENCY"**

**By Todd Boucher, Executive Officer**

The board has become aware of professional engineers not specifying design concepts for fire

protection design prior to completion of shop drawings by others. As a reminder, the professional conduct requirements in **ARM 24.183.2203**

**Performance of Services Only in Areas of Competence** require that "Licensees shall perform services only in the areas of their competence gained through education or verifiable experience."

In February 2004, the board sent a reminder to licensed professional engineers and companies with a Certificate of Authorization to practice engineering about the requirements of

#### **Administrative Rule of Montana (ARM)**

**24.183.1501 Fire Protection Shop Drawings.** The board reminded those practicing the fire protection design discipline that under certain conditions, the design concepts should be developed by a licensee (licensed professional engineer). The remainder of this article is an attempt to address questions professional engineers may have regarding fire protection design concepts.

**"When shall a licensed professional specify the design concepts and when should they not?"** A tough question but one that is addressed in the ARM. All other designs not exempt as listed below would require a licensee to specify the design concepts:

- projects exempt from building code requirements for fire protection;
- remodeling involving less than 100 sprinklers to an existing fire protection system, provided there is no change in occupancy classification, storage configuration, or other change in occupancy use that would require design concept modifications; or
- routine maintenance, when accomplished in accordance with national fire protection association (NFPA) standard #25, "Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems."

#### **"What are the design concepts for Fire Protection Systems that a licensee must specify?"**

The following are the minimum design concepts a licensee must specify before shop drawings are prepared by others:

- the density and water flow pressure requirements for the sprinkler system design;

- the classification of commodities to be protected; and
- confirmation of adequate water supply.

Finally, all licensees are subject to discipline through the complaint process and thus the opportunity to defend their design to the board if questioned. Remember licensure is not a right it is a privilege and licensees should be willing to protect their privilege to practice if questioned. To see the complete version of **ARM 24.183.1501 Fire Protection Shop Drawings** go to the website at [www.engineer.mt.gov](http://www.engineer.mt.gov).



#### **CERTIFICATE OF AUTHORIZATIONS**

Please be aware that if you are a sole proprietorship, firm, partnership or corporation engaged in the practice of engineering or the practice of land surveying in Montana that you or the firm, partnership or corporation are required to obtain a certification of authorization from the board office and must have a professional engineer or professional land surveyor in residence who is in responsible charge of the engineering or land surveying work conducted in the office or place of business. This is in accordance with 37-67-320 MCA.

You can obtain an application for certificate of authorization on our website. Certificate of Authorizations are renewed annually and must be renewed by October 1 each year. Renewals are sent out around August 1 each year.

The following certificate of authorizations expired October 1, 2007. (See next page)

If you know of a sole proprietorship, firm, partnership or corporation on this list who is currently providing engineering or land surveying services, please contact the board office.

Business Name	City	State	Lic No
A2Z ENGINEERING PLC	KALISPELL	MT	403
ACCESS CONSULTING PC	MISSOULA	MT	550
ADVANCED LAND SURVEYS	GREAT FALLS	MT	485
AGRICULTURAL ENGINEERING AND ASSOCIATES INC	UNIONTOWN	KS	855
ALLEN AND ASSOCIATES	BOZEMAN	MT	162
ALUMA SYSTEMS USA, INC.	PHOENIX	AZ	516
AMEC EARTH & ENVIRONMENTAL, INC	SAN DIEGO	CA	132
AMG, INC.	DAYTON	OH	961
ANDERSON-URLACHER, P.A.	MINNEAPOLIS	MN	827
AQUA ENGINEERING, INC.	BOUNTIFUL	UT	963
AQUATECH, INC.	BELGRADE	MT	71
ARCHAMBAULT & COMPANY, P.C.	BROWNING	MT	68
AUBIAN ENGINEERING , INC.	EAU CLAIRE	WI	842
BEHRENT ENGINEERING	WHEAT RIDGE	CO	537
BENCHMARK SERVICES, INC	HUNTINGBURG	IN	1021
BIERBACH CONSULTING ENGINEERS, INC.	DENVER	CO	807
BIRK ENGINEERING	KALISPELL	MT	608
BLK, INC.	STEVENSVILLE	MT	1189
BLUELINE ENGINEERING LLC	BILLINGS	MT	1083
BOULDER ENGINEERING, LLC	POCATELLO	ID	831
BUTLER ENGL.& LAND SURVEY INC	SHELLEY	ID	484
CAD GRAPHICS INC	BELT	MT	470
CALDWELL TANKS, INC	LOUISVILLE	KY	1010
CANNON DESIGN, INC.	SAINT LOUIS	MO	434
CARTER & BURGESS, INC.	SALT LAKE CITY	UT	426
CASHELL ENGINEERS	BUTTE	MT	255
CASNE & ASSOCIATES, INC.	HELENA	MT	353
CELLXION, LLC	BOSSIER CITY	LA	801
CLARK ENGINEERS INC	PEORIA	IL	638
CLEAR CREEK HYDROLOGY INC	BOZEMAN	MT	670
DELTA ENGINEERING P.C.	IRVINE	CA	3
DIRCT COMMUNICATIONS CEDAR VALLEY	LEHI	UT	1029
DUCKS UNLIMITED INC	BISMARCK	ND	294
ELKHORN BOUNDARY SURVEYS	HELENA	MT	1180
ENERGY ENGINEERING INC	BABB	MT	291
ENGINEERED SOLUTIONS GROUP, LLC	SHERWOOD	OR	982
ENGINEERING DESIGN OF FARGO LTD	FARGO	ND	468
ENVIRONMENTAL DEV.& MGMT, INC	BILLINGS	MT	131
ESSEX SURVEYING, INC.	BILLINGS	MT	811
F.L. SMIDTH INC	BETHLEHEM	PA	1035
FREELAND-KAUFFMAN & FREDEEN INC	ROGERS	AR	710
FWS DESIGN-BUILDERS INC	BURNSVILLE	MN	940
GALLOWAY ROMERO & ASSOCIATES	ENGLEWOOD	CO	607
GEIGER GOSSEN HAMILTON CAMPBELL ENGINEERS PC	SUFFERN	NY	1151
GERBER & VAIL, INC.	SEATTLE	WA	856
GLENWOOD STRUCTURAL & CIVIL INC	GLENWOOD SPRINGS	CO	669
GORDON-PRILL-DRAPES,INC.	MISSOULA	MT	108
GREENBERG FARROW ARCHITECTURE INC	ATLANTA	GA	846
GROUNDWATER & ENVIRONMENTAL SERVICES INC	EXTON	PA	1066
H.W. LOCHNER, INC.	BIGFORK	MT	698
HAGEDORN, INC.	VANCOUVER	WA	660
HOECHST SURVEYING	CLANCY	MT	902
HOHN ENGINEERING PLLC	BILLINGS	MT	474
HOLLOWAY-RYLATT ENGINEERING, INC.	DENVER	CO	804
INDUSTRY GENERAL CORPORATION	MEMPHIS	TN	789

INTEGRATED ENGINEERING INCORPORATED	BABB	MT	958
INTER-FLUVE, INC	BOZEMAN	MT	170
JAMES A SEWELL & ASSOCIATES	NEWPORT	WA	632
JM ENGINEERING PLLC	MISSOULA	MT	674
JMC ENGINEERING, INC.	BILLINGS	MT	817
JOHNSON STRUCTURAL ENGINEERING	BOZEMAN	MT	985
J-U-B ENGINEERS, INC.	BOISE	ID	671
LAND & WATER CONSULTING, INC.	MISSOULA	MT	363
LANOGA CORPORATION	WINONA	MN	1114
LEONARD RICE CONSULTING WATER ENGINEERS, INC	DENVER	CO	450
LORENZEN ENGINEERING INC.	JEFFERSON CITY	MT	440
M R & E, LLC	PERRYSBURG	OH	682
M.W. BRANDT ENGINEERING, PLLC	HELENA	MT	993
MARENGO SURVEYING	POLSON	MT	422
MC2 ENGINEERING, PC	SHERIDAN	WY	1032
MCINTOSH ENGINEERING INCORPORATED	TEMPE	AZ	504
MCS ENVIRONMENTAL	MISSOULA	MT	988
MFG, INC.	BOULDER	CO	241
MGA STRUCTURAL ENGINEERS INC	COLORADO SPRINGS	CO	955
MONTANA ENGINEERING & ADMINISTRATION , P.C.	HELENA	MT	256
MTI ASSOCIATES, INC.	HELENA	MT	389
MURPHY COMPANY MECHANICAL	SAINT LOUIS	MO	1015
NANA PACIFIC, LLC	ANCHORAGE	AK	1096
NICKLIN EARTH & WATER, INC	BOZEMAN	MT	164
NOLTE ASSOCIATES INC	ENGLEWOOD	CO	866
NORTON & SCHMIDT CONSULTING	KANSAS CITY	MO	614
O2WIRELESS, INC DBA BARAN TELECOM	CUMMING	GA	519
PAUL J. STOKES & ASSOCIATES	KALISPELL	MT	225
PC ENGINEERING, LLC	BOZEMAN	MT	1102
PRECISION SYSTEMS ENGINEERING INC	SALT LAKE CITY	UT	622
PROJECT ENGINEERING & MANAGEMNET INC	SAINT FRANCIS	MN	689
R & W ENGINEERING INC.	BEAVERTON	OR	830
R&N SYSTEMS DESIGN LLC	CORDOVA	TN	965
RAYMOND GROSS ENGINEERING & SURVEYING INC.	DILLON	MT	873
RIMROCK ENGINEERING, INC.	BILLINGS	MT	863
RITCHIE LAND SURVEYING	EAST HELENA	MT	503
RJ ZIMMER CONSULTING, LLC	HELENA	MT	981
ROSSER INTERNATIONAL, INC	ATLANTA	GA	196
RUGGED SAGE ELECTRIC LLC	HELENA	MT	459
SALIENT TECHNOLOGIES INC	BELGRADE	MT	444
SCOTT E JACOBS	LAS VEGAS	NV	894
SHE	BOZEMAN	MT	107
SHARP CORP.	BOZEMAN	MT	938
SKINNER ENGINEERING SERVICE	BILLINGS	MT	703
SPLASHTACVLAR, INC.	LA QUINTA	CA	967
SYNERGY ENGINEERING PLLC	BOISE	ID	859
TETRA TECH EM INC	HELENA	MT	190
THE RETEC GROUP INC	CONCORD	MA	216
THELEN ENGINEERING & ASSOCIATES, INC.	OCONOMOWOC	WI	818
TIBER MONTANA LLC	IDAHO FALLS	ID	658
TRIGON EPC	LAKEWOOD	CO	144
TSP TWO, INC.	SHERIDAN	WY	143
TURNER COLLIE & BRADEN INC	HOUSTON	TX	557
TURPIN & RATTAN ENGINEERING INC	MONTROSE	CA	756
USAQUATICS INC.	DELANO	MN	815
WATERSHED PROFESSIONALS LLP	BOZEMAN	MT	487
WJ SUTHERLAND & ASSOCIATES INC	MINNEAPOLIS	MN	588
WOITH ENGINEERING, INC.	GREAT FALLS	MT	366
WOLVERTON & ASSOCIATES, INC.	NORCROSS	GA	408
WRG DESIGN	EAGLE	ID	1014

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